

NOTICE AND AGENDA

SUNNYVALE CITY COUNCIL TUESDAY, DECEMBER 1, 2009 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA

4:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Closed Session pursuant to Government Code Section 54957 - Public Employee Performance Evaluation, City Attorney
4. Adjourn Special Meeting

5:45 P.M. SPECIAL COUNCIL MEETING (Closed Session)

City Council Study Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
 - a. Closed Session pursuant to Government Code Section 54957 - Public Employee Performance Evaluation, City Manager
4. Adjourn Special Meeting

7 P.M. COUNCIL MEETING

Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.

Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.

CALL TO ORDER - Call to order in the Council Chambers

SALUTE TO THE FLAG

ROLL CALL

CLOSED SESSION REPORTS FOR DECEMBER 1, 2009

Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluation, City Attorney

Closed Session pursuant to Government Code Section 54957 – Public Employee Performance Evaluation, City Manager

PUBLIC ANNOUNCEMENTS

Each speaker is limited to three minutes for announcements of community events, programs, or recognition.

CONSENT CALENDAR

1.A. MOTION Approval of Information/Action Items – Council Directions to Staff

Fiscal Items

1.B. MOTION List of Claims and Bills Approved for Payment by the City Manager – List
RTC 09-298 No. 481

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

1.C. MOTION Approval of Budget Modification No. 16 to Appropriate a Grant from the
RTC 09-297 Office of Traffic Safety in the Amount of \$23,196 for Seatbelt
Enforcement

Staff Recommendation: Approve Budget Modification #16 to appropriate the Office of Training Safety Next Generation Click It or Ticket mini-grant in the amount of \$23,196 for a new project, Next Generation Click It or Ticket Campaign (Nov '09 – Sep '10).

Staff Contact: Lt. Jeff Hunter, (408) 730-7157

1.D. MOTION Transportation Fund for Clean Air Funds for Light Rail Intersection Traffic
RTC 09-289 Signal Controller Replacement Project – Cooperative Agreement with the
City of San Jose and Approval of Budget Modification No. 13

Staff Recommendation: Authorize the city manager to execute the Cooperative Agreement with the City of San Jose for light rail traffic signal controller replacement funding; approve Budget Modification No. 13 to appropriate \$15,600 in grant revenue to fund a new project, Tasman Light Rail Corridor Traffic Signal Controller Replacement, with the awarded funding from the Bay Area Air Quality Management District Transportation Fund for Clean Air.

Staff Contact: Jack Witthaus, (408) 730-7330

- 1.E. MOTION Approval of Budget Modification No. 14 to Recognize Grant Funding and
RTC 09-290 Appropriate Funds for Various Bicycle and Pedestrian Projects

Staff Recommendation: Authorize the City Manager to execute the required agreements to secure grant funding and appropriate as follows:

- (1) \$52,000 from the Bay Area Air Quality Management District Transportation Fund for Clean Air to new project Borregas Avenue Bicycle and Pedestrian Improvements;
- (2) \$720,000 from the State of California Safe Routes to School program to existing project 828160, Residential and School Area Sidewalks;
- (3) \$160,000 from the VTA Bicycle Expenditure Program (with an additional \$40,000 local match from dedicated funds in the Capital Projects/Traffic Mitigation Subfund) to new project Mary Avenue Street Space Allocation Study.

Staff Contact: Jack Witthaus (408) 730-7330

Contracts: SunnyvaleWorks!

- 1.F. MOTION Award of Sunnyvale Works! Bid No. F0909-25 for Maintenance
RTC 09-300 Installation of Sidewalk, Curb, Gutter and Driveway Approaches - 2011
and Approval of Budget Modification No. 15

Staff Recommendation: Award a General Construction Contract to SpenCon Construction, Inc., in an amount not to exceed \$550,000, and authorize the City Manager to execute the contract when all necessary conditions have been met; approve a project contingency in the amount of \$55,000; and approve Budget Modification No. 15.

Staff Contact: Pete Gonda – (408) 730-7418

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.

PUBLIC COMMENTS

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

PUBLIC HEARINGS/GENERAL BUSINESS

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Study to Explore City Assistance with Graffiti Abatement on Private
RTC 09-296 Property (Study Issue)

Staff Recommendation: Council accepts the staff report.

Staff Contact: Deputy Chief Kelly Fitzgerald, (408) 730-7220 , (408) 730-

3. MOTION Board and Commission Appointments
RTC 09-299

Staff Recommendation: Council confirm appointments from the candidates listed in this report, specifying the term for the appointments which have multiple seats and terms.

Staff Contact: Lisa Natusch, (408) 730-7595

4. ORDINANCE Adoption of Ordinance No. 2911-09 Amending Sunnyvale Municipal
No. 2911-09 Code Chapters 18.10 and 19.74 Relating to Park Dedication: Consider
Raising the Park Facility Standard from 1.25 Acres for 1,000 Population
to 3.0 Acres per 1,000 Population

Staff Recommendation: Approve the second reading of Ordinance No. 2911-09.

Staff Contact: David Kahn, City Attorney (408) 730-7464

COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

NON-AGENDA ITEMS & COMMENTS

- Council
- Staff

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- RTC 09-301 Board and Commission Resignation (Information Only)

ADJOURNMENT

Notice to the Public:

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

GUIDELINES FOR ADDRESSING THE CITY COUNCIL

Public Announcement – Beginning of Council Meeting

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

Public Hearing – Order of Hearing as Follows:

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

Public Comments

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

Planning a presentation for a City Council/Planning Commission meeting?

To assist you in utilizing the technology available in the Council Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

Planning to present materials to Council?

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

SCHEDULED COUNCIL MEETINGS

DATE	MEETING	TIME	PLACE
Dec. 1, 2009	Council Meeting	7 p.m.	Council Chambers
Dec. 8, 2009	Council Meeting	7 p.m.	Council Chambers
Dec. 15, 2009	Council Meeting	7 p.m.	Council Chambers
Jan. 5, 2009	Council Meeting	7 p.m.	Council Chambers
Jan. 12, 2009	Council Meeting	7 p.m.	Council Chambers

OTHER SCHEDULED MEETINGS

Nov. 25, 2009	Administrative Hearing	2	p.m.	West Conference Rm
Dec. 7, 2009	Board of Library Trustees	7	p.m.	Library Program Rm A
Dec. 9, 2009	Parks and Recreation Commission	7	p.m.	Council Chambers
Dec. 14, 2009	Planning Commission Study Session	7	p.m.	West Conference Rm
Dec. 14, 2009	Planning Commission Public Hearing	8	p.m.	West Conference Rm
Dec. 16, 2009	Administrative Hearing	2	p.m.	West Conference Rm
Dec. 16, 2009	Housing and Human Services Comm.	7	p.m.	West Conference Rm
Dec. 16, 2009	Arts Commission	7	p.m.	Council Chambers
Dec. 17, 2009	Bicycle and Pedestrian Advisory Comm.	6:30	p.m.	West Conference Rm
Dec. 21, 2009	Personnel Board	5	p.m.	Council Chambers
Jan. 11, 2010	Planning Commission Study Session	7	p.m.	West Conference Rm
Jan. 11, 2010	Planning Commission Public Hearing	8	p.m.	Council Chamber
Jan. 13, 2010	Administrative Hearing	2	p.m.	West Conference Rm
Jan. 13, 2010	Heritage Preservation Commission	7	p.m.	West Conference Rm
Jan. 13, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
Jan. 20, 2010	Arts Commission	7	p.m.	Council Chambers
Feb. 10, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
Feb. 17, 2010	Arts Commission	7	p.m.	Council Chambers
Mar. 10, 2010	Parks and Recreation Commission	7	p.m.	Council Chambers
Mar. 17, 2010	Arts Commission	7	p.m.	Council Chambers

CHANNEL 15 – KSUN

For a complete schedule of KSUN-15 broadcasts, visit KSUN.inSunnyvale.com

Nov. 29, 2009	City Council Meeting – Replay of Nov. 24, 2009	4 p.m.
Dec. 1, 2009	City Council Meeting – Live	7 p.m.
Dec. 2, 2009	City Council Meeting – Replay of Dec. 1, 2009	7 p.m.
Dec. 6, 2009	City Council Meeting – Replay of Dec. 1, 2009	4 p.m.
Dec. 8, 2009	City Council Meeting – Live	7 p.m.
Dec. 9, 2009	City Council Meeting – Replay of Dec. 8, 2009	7 p.m.
Dec. 13, 2009	City Council Meeting – Replay of Dec. 8, 2009	4 p.m.
Dec. 15, 2009	City Council Meeting – Live	7 p.m.
Dec. 16, 2009	City Council Meeting – Replay of Dec. 15, 2009	7 p.m.
Dec. 20, 2009	City Council Meeting – Replay of Dec. 15, 2009	4 p.m.